

LEGISLATIVE COUNCIL

MINUTES OF PROCEEDINGS

No. 80

WEDNESDAY, 13 AUGUST 2014

1. Meeting of Council

The Council assembled at 2.00pm pursuant to order.

The President, Hon Barry House, took the Chair and read prayers.

2. Petitions

Hon Alyssa Hayden presented a petition from 63 petitioners requesting the Legislative Council to support the rezoning of Rosehill Waters from rural to urban. (Tabled Paper 1754).

3. Ministerial Statement — Australian Red Cross — Centenary

The Leader of the House made a Ministerial Statement with respect to the centenary of the Australian Red Cross.

4. Ministerial Statement — Tom Fisher House Homeless Shelter for Men

The Minister for Child Protection made a Ministerial Statement with respect to a new homeless shelter for men, Tom Fisher House.

5. Papers

The following Papers were laid on the Table by —

President

Auditor General's Papers —

Our Heritage and Our Future: Health of the Swan Canning River System
(Report No. 16) (August 2014) 1692

Leader of the House

By-laws —

Energy Operators (Powers) Act 1979 (Energy Operators (Electricity Generation and Retail Corporation) (Charges) Amendment By-laws 2014 G.G. 27/06/2014 and Energy Operators (Regional Power Corporation) (Charges) Amendment By-laws 2014 G.G. 27/06/2014)..... 1693

Vocational Education and Training Act 1996 (Durack Institute of Technology By-laws 2014 G.G. 4/07/2014) 1694

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Land Tax Assessment Act 2002 (Land Tax Assessment Amendment Regulations 2014 G.G. 30/06/2014) 1695

Liquor Control Act 1988 (Liquor Control (Juwurlinji Restricted Area) Amendment Regulations 2014 G.G. 11/07/2014) 1696

Liquor Control Act 1988 (Liquor Control (Spinifex Restricted Area) Regulations 2014 G.G. 1/07/2014, Liquor Control Amendment Regulations (No. 2) 2014 G.G. 27/06/2014 and Liquor Control Amendment Regulations (No. 4) 2014 G.G. 1/07/2014)	1697
Rates and Charges (Rebates and Deferments) Act 1992 (Rates and Charges (Rebates and Deferments) Amendment Regulations 2014 G.G. 30/06/2014)	1698
Teacher Registration Act 2012 (Teacher Registration (General) Amendment Regulations (No. 3) 2014 G.G. 1/07/2014)	1699
Vocational Education and Training Act 1996 (Vocational Education and Training (General) Amendment Regulations (No. 2) 2014 G.G. 15/07/2014)	1700
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Lotteries Commission Act 1990 (Lotteries Commission (Saturday Lotto) Amendment Rules (No. 2) 2014 G.G. 24/06/2014)	1702
Minister for Mental Health	
<i>Local Laws —</i>	
Cemeteries Act 1986 (Shire of Dardanup Cemeteries Local Law 2014 G.G. 27/06/2014)	1703
Local Government Act 1995 (City of Fremantle Alfresco Dining Local Law 2014 G.G. 18/07/2014, City of Nedlands Site Erosion and Sand Drift Local Law 2014 G.G. 5/08/2014 and Shire of Augusta Margaret River Extractive Industries Local Law 2014 G.G. 5/08/2014)	1704
<i>Orders —</i>	
Environmental Protection Act 1986 (Environmental Protection (Shark Hazard Mitigation Drum Line Program) Exemption Order 2014 G.G. 27/06/2014)	1705
<i>Proposals —</i>	
Conservation and Land Management Act 1984 — Proposal for the partial revocation of State Forest No. 6, 22, 23, 28, 32, 33 and 65	1753
Excision of land from Class A Reserve 12439 under section 42(4)(B) and 42(5) of the Land Administration Act 1997	1706
<i>Regulations —</i>	
Adoption Act 1994 (Adoption Amendment Regulations 2014 G.G. 27/06/2014)	1707
Children and Community Services Act 2004 (Children and Community Services Amendment Regulations 2014 G.G. 27/06/2014)	1708
Disability Services Act 1993 (Disability Services Amendment Regulations 2014 G.G. 30/06/2014)	1709
Environmental Protection Act 1986 (Environmental Protection (Controlled Waste) Amendment Regulations 2014 G.G. 1/08/2014 and Environmental Protection Amendment Regulations (No. 3) 2014 G.G. 1/08/2014)	1710
State Enterprises (Commonwealth Tax Equivalents) Act 1996 (State Enterprises (Commonwealth Tax Equivalents) (Application) Amendment Regulations 2014 G.G. 27/06/2014)	1711
Swan and Canning Rivers Management Act 2006 (Swan and Canning Rivers Management Amendment Regulations 2014 G.G. 27/06/2014)	1712
Working with Children (Criminal Record Checking) Act 2004 (Working with Children (Criminal Record Checking) Amendment Regulations (No. 2) 2014 G.G. 27/06/2014)	1713
Attorney General	
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Dividing Fences Act 1961 (Shire of Mundaring Fencing Local Law 2014 G.G. 5/08/2014)	1714
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Management Plans —

Fish Resources Management Act 1994 (West Coast Estuarine Managed Fishery Management Plan Amendment 2014 [1194] G.G. 4/07/2014)	1740
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Orders —

Dangerous Goods Safety Act 2004 (Dangerous Goods Safety Exemption Notice No. 45 G.G. 4/07/2014)	1741
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Regulations —

Water Services Act 2012 (Water Services (Water Corporations Charges) Regulations 2014 G.G. 25/06/2014 and Water Services Amendment Regulations 2014 G.G. 27/06/2014)	1742
Western Australian Meat Industry Authority Act 1976 (Western Australian Meat Industry Authority Amendment Regulations (No. 2) 2014 G.G. 1/07/2014)	1743

Parliamentary Secretary representing the Minister for Transport*Regulations —*

Jetties Act 1926 (Jetties Amendment Regulations (No. 2) 2014 G.G. 25/07/2014)	1744
Road Traffic Act 1974 (Road Traffic (Drug Driving) Amendment Regulations 2014 G.G. 11/07/2014)	1745
Shipping and Pilotage Act 1967 (Navigable Waters Amendment Regulations (No. 3) 2014 G.G. 25/07/2014)	1746
Shipping and Pilotage Act 1967 (Shipping and Pilotage (Ports and Harbours) Amendment Regulations (No. 2) 2014 G.G. 27/06/2014)	1747
Transport Co-ordination Act 1966 (Transport (Country Taxi-car) Amendment Regulations (No. 2) 2014 G.G. 27/06/2014)	1748

Parliamentary Secretary representing the Minister for Health*Orders —*

Poisons Act 1964 (Poisons (Appendix A Amendment) Order 2014 G.G. 27/06/2014)	1749
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Regulations —

Human Reproductive Technology Act 1991 (Human Reproductive Technology (Licences and Registers) Amendment Regulations 2014 G.G. 15/07/2014)	1750
Tobacco Products Control Act 2006 (Tobacco Products Control Amendment Regulations 2014 G.G. 27/06/2014)	1751

Parliamentary Secretary representing the Minister for Regional Development*Regulations —*

Licensed Surveyors Act 1909 (Licensed Surveyors (Licensing and Registration) Amendment Regulations 2014 G.G. 15/07/2014)	1752
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6. Partial Revocation of State Forest Nos 6, 22, 23, 28, 32, 33 and 65

The Minister for Mental Health representing the Minister for Environment: To move on the next day of sitting —

That the proposal for the partial revocation of State Forest Nos 6, 22, 23, 28, 32, 33 and 65 laid on the table of the Legislative Council on Wednesday, 13 August 2014 be carried out.

7. Psychiatric Hospitals — Patient Protection

Motion No. 1 having been called, debate resumed on the amendment of the Minister for Mental Health as follows —

To delete “calls on the Government to take urgent action” and insert —

notes the action being taken by the Government

to the motion of Hon Sally Talbot as follows —

That this House notes the findings of the Victorian Mental Illness Awareness Council, that 45 per cent of women who are inpatients in psychiatric hospitals in that state are sexually assaulted while an inpatient, and calls on the Government to take urgent action to —

- (a) establish the extent of similar problems in Western Australian psychiatric hospitals; and
- (b) protect women in Western Australian psychiatric hospitals from sexual assault.

Hon Nick Goiran moved, without notice —

To amend the amendment moved by the Minister for Mental Health as follows —

- (a) in the words to be deleted – To insert before “calls” —

, that 45 per cent of women who are inpatients in psychiatric hospitals in that state are sexually assaulted while an inpatient, and

and

- (b) in the words to be inserted – To insert before “notes” –

and

Debate ensued.

Question, That the amendment to the amendment be agreed to — put and passed.

Amendment, as amended — put.

The Council divided.

Ayes (17)

Hon Martin Aldridge
Hon Ken Baston
Hon Liz Behjat
Hon Jacqui Boyde
Hon Paul Brown
Hon Jim Chown
Hon Peter Collier
Hon Brian Ellis
Hon Nick Goiran

Hon Dave Grills
Hon Alyssa Hayden
Hon Col Holt
Hon Peter Katsambanis
Hon Rick Mazza
Hon Michael Mischin
Hon Helen Morton
Hon Phil Edman (*Teller*)

Noes (8)

Hon Robin Chapple
Hon Stephen Dawson
Hon Sue Ellery
Hon Lynn MacLaren

Hon Ljiljanna Ravlich
Hon Sally Talbot
Hon Darren West
Hon Samantha Rowe (*Teller*)

Amendment, as amended, thus passed.

Question, That the motion, as amended, be agreed to — put and passed.

8. Questions Without Notice

Questions without notice were taken.

The Minister for Education tabled, and by leave incorporated into Hansard, a document in relation to current student enrolment projections for each year group from kindergarten to year 12 for 2015, in response to a question without notice asked by Hon Sue Ellery. (Tabled Paper 1755).

The Parliamentary Secretary representing the Minister for Transport tabled a document in relation to the locations of accessible ACROD bays at metropolitan train stations, in response to a question without notice asked by Hon Stephen Dawson. (Tabled Paper 1756).

The Minister for Fisheries tabled a document in relation to the development and implementation of a community engagement strategy for the management of shark hazards in Western Australia, in response to a question without notice asked by Hon Lynn MacLaren. (Tabled Paper 1757).

The Minister for Mental Health tabled a document in relation to the Stokes Review Implementation Partnership Group Chairman's Quarterly Report (March 2014), in response to a question without notice asked by Hon Stephen Dawson. (Tabled Paper 1758).

The Leader of the House representing the Minister for Energy tabled a document in relation to power outages in Kununurra in the past two years, in response to question on notice No. 1297 asked by Hon Robin Chapple. (Tabled Paper 1759).

9. Climate Change

Motion No. 2 having been called, Hon Lynn MacLaren, pursuant to notice, moved —

That this Council calls on the State Government to —

- (a) note that on May 9, the daily mean concentration of carbon dioxide in the atmosphere surpassed 400 parts per million for the first time since measurements began in 1958;
- (b) note that evidence of warming Western Australian oceans is indicated by the increased numbers of jellyfish, tropical fish and whale sharks observed further south than ever before; and
- (c) explain the changes required to the State Government's climate change strategy to reduce the rate of carbon dioxide emissions and to protect Western Australia's unique biodiversity.

Interruption pursuant to order.

10. Consideration of Committee Reports

Pursuant to order for the consideration of Committee Reports.

In Committee

(Hon Amber-Jade Sanderson in the Chair)

Joint Standing Committee on the Corruption and Crime Commission — Report No. 13 — The timeliness of misconduct investigations undertaken or overseen by the Corruption and Crime Commission: Final Report

Hon Nick Goiran moved, That the Report be noted.

Question — put and passed.

Standing Committee on Estimates and Financial Operations — Report No. 46 — 2014-15 Budget Estimates Hearings — July Timetable

The Deputy Chair moved, That the Report be noted.

Question — put and passed.

Joint Standing Committee on the Commissioner for Children and Young People — Report No. 3 — Sexualisation of Children: The Commissioner for Children and Young People's 2013 Report on the Sexualisation of Children

Hon Sue Ellery moved, That the Report be noted.

Debate ensued.

Question — put and passed.

Joint Standing Committee on the Corruption and Crime Commission — Report No. 14 — Corruption and Crime Commission review of misconduct risks associated with the deployment of undercover police officer

Hon Nick Goiran moved, That consideration of the report be postponed to the next sitting.

Question — put and passed.

Standing Committee on Estimates and Financial Operations — Report No. 47 — July and August Timetable

The Order of the Day having been called.

Consideration of the Report — lapsed.

The Acting President resumed the Chair.

The Deputy Chair of Committees reported that the Committee of the Whole House had considered the —

- (1) Joint Standing Committee on the Corruption and Crime Commission — Report 13 — *The timeliness of misconduct investigations undertaken or overseen by the Corruption and Crime Commission: Final Report* and had noted same.
- (2) Standing Committee on Estimates and Financial Operations — Report 46 — *2014-15 Budget Estimates Hearings — July Timetable* and had noted same.
- (3) Joint Standing Committee on the Commissioner for Children and Young People — Report 3 — *Sexualisation of Children: the Commissioner for Children and Young People's 2013 report on the Sexualisation of Children* and had noted same.
- (4) Joint Standing Committee on the Corruption and Crime Commission — Report 14 — *Corruption and Crime Commission review of misconduct risks associated with the deployment of undercover police officer* and postponed consideration to the next sitting.
- (5) Standing Committee on Estimates and Financial Operations — Report 47 — *July and August Timetable* which had lapsed without being noted.

Report adopted.

11. Order of Business

Ordered — That Orders of the Day Nos 1, *Regulation 11(3)(o) as inserted into the Retirement Villages Regulations 1992 by Regulation 6 of the Retirement Villages (Recurrent Charges, Prescribed Matters and Exemption Certificates) Amendment Regulations 2014 — Disallowance*, 2, *Shire of Shark Bay Local Government Property Amendment Local Law 2014 — Disallowance*, and 3, *Firearms Amendment Regulations 2014 — Disallowance*, be taken after Order of the Day No. 10, *Mental Health Bill 2013*. (Leader of the House).

12. Swan and Canning Rivers Management Amendment Bill 2014

The Acting President reported the receipt of Message No. 67 from the Legislative Assembly forwarding the Bill for concurrence.

The Minister for Mental Health representing the Minister for Environment moved, That the Bill be read a first time.

Question — put and passed.

Bill read a first time.

The Minister for Mental Health representing the Minister for Environment moved, That the Bill be read a second time.

The Minister for Mental Health representing the Minister for Environment tabled an Explanatory Memorandum relating to the Bill. (Tabled Paper 1760).

Debate stands adjourned.

13. Order of Business

Ordered — That Order of the Day No. 9, *Custodial Legislation (Officers Discipline) Amendment Bill 2013*, be taken forthwith. (Leader of the House).

14. Custodial Legislation (Officers Discipline) Amendment Bill 2013

The Order of the Day having been read for the adjourned debate on the second reading of this Bill.

Debate resumed.

Interruption pursuant to order.

15. Members' Statements

Statements were taken.

16. Adjournment

The Council adjourned at 9.54pm until Thursday, 14 August 2014 at 10.00am.

Members present during the day's proceedings

Attendance: Present all Members except Hon Kate Doust, Hon Adele Farina and Hon Simon O'Brien.

NIGEL PRATT
Clerk of the Legislative Council

HON BARRY HOUSE
President of the Legislative Council